

REMARKS/ARGUMENTS

1.) Claim Amendments

Applicant has amended claims 1, 4, 8, 11, and 15. Claims 1-5, 8-11, and 13-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 112

Claim 15 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Applicant has amended claim 15 to address Examiner's concerns. Thus, Applicant respectfully requests that the rejection be withdrawn.

3.) Examiner Objections - Claims

The Examiner objected to claims 1-11, 13 and 14 because of informalities. Applicant appreciates the Examiner's thorough review of the claims. Applicant has amended the claims as suggested by Examiner in order to correct the informalities. Examiner's consideration of the amended claims is respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 102(b)

Claims 1-11 and 14-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Elliot (US 2002/0064149). While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverses the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, does not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

According to Manual for Patent Examining Procedure (MPEP) § 2131, "[a] claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." Citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). According to *NetMoneyIN v. Verisign.*, 545 F.3d 1359 (Fed. Cir. 2008), the cited

elements must be arranged as required by the claim. Thus, “the reference must ‘clearly and unequivocally disclose the claimed [invention] or direct those skilled in the art to the [invention] without any need for picking, choosing, and combining various disclosures not directly related to teach other by the teachings of the cited reference” Citing *In re Arkley*, 455 F.2d 586, 587 (CCPA 1972).

Thus, turning to the instant case, Examiner has introduced Elliot, which is a 305 page, 4000+ paragraph reference and cites unrelated paragraphs from all over the reference in order to support the rejection of the claims. For example, independent claim 1 recites “at said network node, demultiplexing the received data stream to recover the DTMF control signals.” In support of the rejection, Examiner cites paragraphs [0584], [0651], [0855], [0861], and [3388] of Elliot. Paragraph [0054] generally describes a computer setting up a Point-to-Point Protocol (PPP) session with a prioritizing access router (PAR) via a public switched telephone network (PSTN) and also generally describes the concept of multiplexing buses. Paragraph [0651] is included in a section of Elliot that describes functional components of an internet service provider (ISP), particularly “Specialized Resources”. Paragraph [0855] is included in a section of Elliot that describes “Service Features” such as “Automated User Interaction.” Paragraph [0861] describes a network-based capability (DTMF). Finally, paragraph [3388] describes data transfer between an audio response unit (ARU) and a voice fax platform (VFP) via DTMF. Even if the cited passages of Elliot disclose the elements of the aforementioned claim element (a point which Applicant does not concede), the cited passages of Elliot do not clearly and unequivocally disclose the claimed invention. Those cited passages of Elliot would not direct one skilled in the art to the invention because the cited passages were selected from unrelated sections of Elliot in an effort to piece together the aforementioned element. Such picking and choosing is not permitted under § 102. Examiner has repeated such impermissible picking and choosing for each element of each one of independent claims 1, 8 and 15-20. Thus, for at least this reason, independent claims 1, 8 and 15-20 and all claims dependent therefrom are patentable over Elliot.

Even if such picking and choosing were permitted (a point that Applicant does not concede), independent claims 1, 8 and 15-20 are patentable because the cited

passages of Elliot fail to disclose, expressly or inherently, each and every element of the independent claims.

Independent claim 1 recites “sending DTMF control signals over the circuit switched connection within H.245 protocol control messages, data streams being multiplexed onto the circuit switched connection using the H.223 protocol.” In support of the rejection, Examiner cites paragraphs [0427], [0451-0456], [2160], [2161], [2277], [2295], [2333], and [2336] as allegedly disclosing the aforementioned element of independent claim 1. Paragraph [0427] generally discusses the H.245 protocol. Paragraphs [0451]-[0456] generally discuss circuit switching in traditional communication networks. Paragraph [2160] generally discusses multimedia calls and the use of various protocols to support multiple channels for those multimedia calls. Paragraph [2161] generally discusses the use of logical channel signaling procedures of various protocols. Paragraph [2277] generally discusses call control signalling with terminals, gateways, and MCU. Paragraph [2295] generally discusses an H.323 Gateway and conversion functions for “transmission format, call setup and control signals and procedures.” Paragraph [2333] generally discusses a terminal connecting to a gateway using various protocols. Paragraph [2336] generally discusses optionally opening an audio channel after terminals have established a reliable H.245 control channel.

Nothing in the cited passages of Elliot discloses, expressly or inherently, anything about DTMF control signals, much less “sending DTMF control signals over the circuit switched connection within H.245 protocol control messages, data streams being multiplexed onto the circuit switched connection using the H.223 protocol,” as recited in independent claim 1. Even if the cited passages disclose the aforementioned element of claim 1 (a point which Applicant does not concede), claim 1 is patentable over Elliot because the cited passages were selected from unrelated sections of Elliot in an effort to piece together the aforementioned element. Such picking and choosing is not permitted under § 102.

Further, independent claim 1 recites “at said network node, demultiplexing the received data stream to recover the DTMF control signals.” In support of the rejection, Examiner cites paragraphs [0584], [0651], [0855], [0861], and [3388] of Elliot.

Paragraph [0054] generally describes a computer setting up a Point-to-Point Protocol (PPP) session with a prioritizing access router (PAR) via a public switched telephone network (PSTN) and also generally describes the concept of multiplexing buses. Paragraph [0651] is included in a section of Elliot that describes functional components of an internet service provider (ISP), particularly “Specialized Resources”. Paragraph [0855] is included in a section of Elliot that describes “Service Features” such as “Automated User Interaction.” Paragraph [0861] describes a network-based capability (DTMF). Finally, paragraph [3388] describes data transfer between an audio response unit (ARU) and a voice fax platform (VFP) via DTMF. Nothing in the cited passages of Elliot discloses, expressly or inherently, anything about demultiplexing anything, much less “at said network node, demultiplexing the received data stream to recover the DTMF control signals,” as recited in independent claim 1. Even if the cited passages disclose the aforementioned element of claim 1 (a point which Applicant does not concede), claim 1 is patentable over Elliot because the cited passages were selected from unrelated sections of Elliot in an effort to piece together the aforementioned element. Such picking and choosing is not permitted under § 102.

Further, independent claim 1 recites “on the basis of said DTMF control signals, routing or re-routing the connection at an intelligent network node to a data source or mapping the connection to a data source.” In support of the rejection, Examiner cites paragraphs [0577], [3392], [1154], [1247], [1348], [1366], [1581], and [1790] of Elliot. Paragraph [0577] generally discusses an internet telephony system. Paragraph [3392] generally discusses the delivery of an inbound FAX to an ARU, which extends the call to a VFP. An account number and mode are delivered to the VFP using DTMF signaling. Paragraph [1154] generally discusses interactions between a GRM, LRM, and RMIB. Paragraph [1247] merely mentions “Logical Architecture Mapping.” Paragraph [1348] generally discusses welcome services in a DMZ. Paragraph [1366] generally discusses the operation of an Application Server. Paragraph [1581] generally discusses a user interface and DTMF access. Paragraph [1790] generally discusses billing information and placing calls across the Internet. Nothing in the cited passages of Elliot disclose, expressly or inherently, anything about an intelligent network node, much less “on the basis of said DTMF control signals, routing or re-routing the

connection at an intelligent network node to a data source or mapping the connection to a data source,” as recited in independent claim 1. Thus, for at least these reasons, independent claim 1 and all claims dependent therefrom are patentable. Applicant respectfully requests that the rejection be withdrawn. Even if the cited passages disclose the aforementioned element of claim 1 (a point which Applicant does not concede), claim 1 is patentable over Elliot because the cited passages were selected from unrelated sections of Elliot in an effort to piece together the aforementioned element. Such picking and choosing is not permitted under § 102.

Independent claim 15 recites “receiving DTMF signals contained within H.245 control messages sent from a user terminal over a circuit switched connection.” In support of the rejection, Examiner cites paragraphs [0427], [0451-0456], [2160], [2161], [2277], [2295], [2333], and [2336] of Elliot as allegedly disclosing the aforementioned element of independent claim 15. Paragraph [0427] generally discusses the H.245 protocol. Paragraphs [0451]-[0456] generally discuss circuit switching in traditional communication networks. Paragraph [2160] generally discusses multimedia calls and the use of various protocols to support multiple channels for those multimedia calls. Paragraph [2161] generally discusses the use of logical channel signaling procedures of various protocols. Paragraph [2277] generally discusses call control signaling with terminals, gateways, and MCU. Paragraph [2295] generally discusses an H.323 Gateway and conversion functions for “transmission format, call setup and control signals and procedures.” Paragraph [2333] generally discusses a terminal connecting to a gateway using various protocols. Paragraph [2336] generally discusses optionally opening an audio channel after terminals have established a reliable H.245 control channel. Nothing in the cited passages of Elliot discloses, expressly or inherently, anything about DTMF signals contained with H.245 control messages, much less “receiving DTMF signals contained within H.245 control messages sent from a user terminal over a circuit switched connection,” as recited in independent claim 15. Even if the cited passages disclose the aforementioned element of claim 15 (a point which Applicant does not concede), claim 15 is patentable over Elliot because the cited passages were selected from unrelated sections of Elliot in an effort to piece together the aforementioned element. Such picking and choosing is not permitted under § 102.

Further, independent claim 15 recites “mapping the DTMF signals to associated telephone numbers terminating in a video gateway, and routing or rerouting the connection to the video gateway on the basis of the determined telephone numbers.” In support of the rejection, Examiner cites paragraphs [1926], [1980], [2000], [2030], [3512], [3656], [0368], [3683], [3702], [3740], [3790], and [3800] of Elliot. Paragraph [1926] generally discusses a PC-to-PC call via VNET. Paragraph [1980] generally discusses the selection of a Internet Telephony Gateway. Paragraph [2000] generally discusses Tail-End-Hop-Off methods of selecting a gateway. Paragraph [2030] generally discusses a phone-to-PC call with a call processing engine that determines DTMF tones. Paragraph [3512] generally discusses the operation of a pager termination processor. Paragraph [3656] generally discusses a call screening function. Paragraph [0368] mentions “G. Traffic Systems.” Paragraph [3683] discusses an “ARU Find Me routine. Paragraph [3702] discusses a schedule based “Find Me routine.” Paragraph [3740] discusses the sending of calls using a standard telephone system and playing appropriate messages to callers. Paragraph [3790] generally discusses call routing. Paragraph [3800] discusses the defining of a user schedule. Nothing in the cited passages of Elliot disclose, expressly or inherently, mapping DTMF signals to associated telephone numbers terminating in a video gateway, and routing or rerouting the connection to the video gateway on the basis of the determined telephone numbers, as recited in independent claim 15. Even if the cited passages disclose the aforementioned element of claim 15 (a point which Applicant does not concede), claim 15 is patentable over Elliot because the cited passages were selected from unrelated sections of Elliot in an effort to piece together the aforementioned element. Such picking and choosing is not permitted under § 102. Thus, for at least these reasons, Applicant respectfully submits that independent claim 15 is patentable and respectfully requests that the rejection be withdrawn.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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